

54 06.04.2022  
(AD) Court No.29  
(Allowed)

**C.R.M. (A) 470 of 2022**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **GR Case No.2393 of 21**, arising out of **Manicktala (Section 'O')** P.S. Case No.**222 of 2021** dated **29/09/2021** under Sections **498A/406/313/34** of the Indian Penal Code.

And

In the matter of: Nikhil Banka

....petitioner.

Mr. Dhiraj Trivedi  
Mr. Satodru Lahiri  
Mr. Sbikash Kumar Singh

...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. PP  
Ms. Faria Hossain  
Mr. Aniket Mitra

...for the State.

Report as called for by the earlier order filed in Court be taken on record.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the police complaint was lodged twenty years after the marriage and after a divorce proceeding being initiated at the behest of the petitioner. All stridhan articles were recovered by the police.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary.

In response to a query of the Court, he submits that there is no material in respect of Section 313 of the Indian Penal Code. He submits that all the stridhan articles are yet to be recovered.

Considering the fact that there is a previous matrimonial suit between the private parties and considering the gravity of

the offence and the involvement of the petitioner therein, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner will report before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default, the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner is allowed.

**C.R.M. (A) 470 of 2022** is disposed of.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**